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2011 Legislative Session

## SB 1357 - EPA--COMPLIANCE AGREEMENTS

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**Bill Number:** SB 1357

**GA Bill Page:** [EPA--COMPLIANCE AGREEMENTS](#)

**Session:** 97th General Assembly

**House Sponsor:** [Jim Watson](#) (H-97)

**Senate Sponsor:** [A J Wilhelmi](#) (S-43)

**IML Position:** None

**IML Contact:** [Joe Schatteman](#)

**IML Analysis:** This legislation addresses Compliance Commitment Agreements (CCA). When a person is complained against for an environmental violation, IEPA will respond to a proposed CCA or notify that certain violations cannot be resolved without the involvement of the Office of the Attorney General or the State's Attorney of the county in which the alleged violation occurred. Currently, the person with the alleged violation would be providing the CCA. Under this legislation, this function shifts to the IEPA.

**GA Last Action:** Passed Both Houses

**GA Synopsis:** Amends the Environmental Protection Act. Requires the person complained against, when filing certain responses with the Environmental Protection Agency, to provide the proposed terms for a Compliance Commitment Agreement (CCA) rather than the proposed CCA. Requires the Agency to provide the proposed CCA or a notice that certain violations cannot be resolved without the involvement of the Office of the Attorney General or the State's Attorney of the county in which the alleged violation occurred (now, the party complained against provides the proposed CCA). Authorizes the Agency's proposed CCA to include a proposed administrative penalty of not more than \$10,000. Requires the person complained against to accept or reject the proposed CCA within 30 days after receiving it. Provides that if the person complained against fails to respond to the proposed CCA within that time frame, then the proposed CCA is deemed rejected by operation of law. Authorizes written amendments to CCAs. Prohibits violations of CCAs. Grants the Agency certain rulemaking authority. Makes technical changes. Effective immediately.

### Senate Floor Amendment No. 1

Replaces everything after the enacting clause. Further amends the Environmental Protection Act. Reinserts the provisions of the introduced bill with changes. Authorizes persons who have violated a Compliance Commitment Agreement to cure the violation by adopting an amended Compliance Commitment Agreement. Requires the successful completion of a Compliance Commitment Agreement to be weighed, in favor of the person completing the Agreement, by the Office of the Illinois Attorney General in determining whether to file a complaint for the violations that were the subject of the Agreement. Removes a provision authorizing the Agency to include a proposed administrative penalty in the proposed Compliance Commitment Agreement. Authorizes the Agency to levy an additional civil penalty of \$3,000 for the violation of the terms and conditions of a Compliance Commitment Agreement. Effective immediately.

District

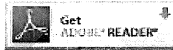
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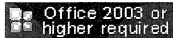
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